

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN MILLER,

Petitioner,

v.

THE DISTRICT ATTORNEY FOR THE
COUNTY OF PHILADELPHIA, et al.,
Respondents.

CIVIL ACTION

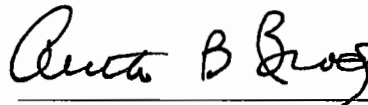
NO. 12-0742

ORDER

AND NOW, this 1st day of July, 2019, upon careful and independent consideration of the counseled Second Petition for Writ of Habeas Corpus, the counseled Amended Petition, the Response, and the Reply thereto, and after review of the Report and Recommendation of United States Magistrate Judge Henry S. Perkin, IT IS HEREBY ORDERED that:

1. the Report and Recommendation is APPROVED and ADOPTED;
2. the Petition for Writ of Habeas Corpus is CONDITIONALLY GRANTED; that Petitioner is discharged from all custody resulting from his convictions and sentences in the Philadelphia Court of Common Pleas in Criminal No. CP-51-CR-1010301-1997 UNLESS, within 180 days from the date of the final determination of this matter, the Commonwealth of Pennsylvania retries the charges against Petitioner; and
3. a certificate of appealability is GRANTED as to the issue of *Brady* violations and an inadequate remedy under state law.

BY THE COURT:



ANITA B. BRODY, J.